

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 DANE R. GILLETTE  
Chief Assistant Attorney General  
3 JULIE L. GARLAND  
Senior Assistant Attorney General  
4 JENNIFER A. NEILL  
Supervising Deputy Attorney General  
5 AMANDA J. MURRAY, State Bar No. 223829  
Deputy Attorney General  
6 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
7 Telephone: (415) 703-5741  
Fax: (415) 703-5843  
8 Email: Amanda.Murray@doj.ca.gov

9 Attorneys for Respondent

10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 **DONALD EVERETT CRONK,**

Petitioner,

15  
16 v.

17 **ROBERT AYERS, JR., Warden,**

18 Respondent.

C 07-05313 TEH

**REQUEST FOR A NUNC PRO  
TUNC EXTENSION OF TIME  
TO FILE ANSWER;  
DECLARATION OF  
COUNSEL**

Judge: The Honorable  
Thelton E.  
Henderson

**REQUEST FOR A NUNC PRO TUNC EXTENSION OF TIME TO FILE AN  
ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS.**

Petitioner Donald Everett Cronk is a California state inmate proceeding *pro se* in this habeas corpus action. Petitioner challenges the Board of Parole Hearings' 2005 decision to deny him parole. For the reasons set forth in the accompanying declaration of counsel, Respondent respectfully requests a nunc pro tunc extension of time to file an Answer to Cronk's Petition for Writ of Habeas Corpus.

Dated: June 30, 2008

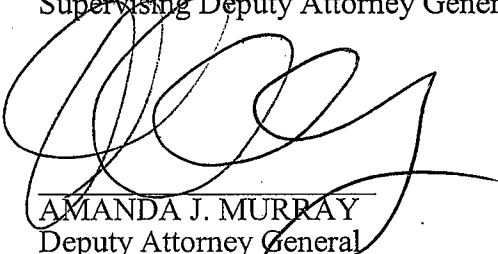
Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of the State of California

DANE R. GILLETTE  
Chief Assistant Attorney General

JULIE L. GARLAND  
Senior Assistant Attorney General

JENNIFER A. NEILL  
Supervising Deputy Attorney General



AMANDA J. MURRAY  
Deputy Attorney General  
Attorneys for Respondent

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DECLARATION OF COUNSEL

I, Amanda J. Murray, declare:

1. I am an attorney licensed to practice before the courts of the State of California and this Court. I am employed by the California Office of the Attorney General as a Deputy Attorney General, in the Correctional Writs and Appeals section.

2. I am the attorney assigned to respond to the petition for writ of habeas corpus filed by inmate Donald Everett Cronk.

3. The Answer to Cronk's Petition for Writ of Habeas Corpus was due on June 27, 2008. Although the Answer was ready to be filed, a power outage in the Attorney General's Office in San Francisco prevented me from electronically filing the document on this date.

4. As a result, I am respectfully requesting a nunc pro tunc extension of time to file the Answer to Cronk's Petition for Writ of Habeas Corpus. The Answer is filed concurrently with this Request. **[I assume no order is necessary because I'm filing the Answer concurrently with this EOT?]**

5. Petitioner is representing himself and because he is currently incarcerated, he is not easily reachable for notification of my request.

6. This request is not made for any purpose of harassment, undue delay, or for any improper reason.

I declare under penalty of perjury that the above is true and correct, and that this declaration was executed on June 30, 2008, in San Francisco, California.

  
AMANDA J. MURRAY  
Deputy Attorney General

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Ayers v. Cronk**

No.: **C 07-05313 TEH**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **June 30, 2008**, I served the attached

**REQUEST FOR A NUNC PRO TUNC EXTENSION OF TIME  
TO FILE ANSWER; DECLARATION OF COUNSEL**

**[PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Donald Everett Cronk, C-87286**  
**San Quentin State Prison**  
**1 Main Street**  
**San Quentin, CA 94964**  
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **June 30, 2008**, at San Francisco, California.

M.M. Argarin  
\_\_\_\_\_  
Declarant

*M.M. Argarin*  
\_\_\_\_\_  
Signature